

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL,
ON WEDNESDAY, JANUARY 6, 1999.**

Members Present: Patrick J. Gilmartin, Chairman
William Hoffman
Peter Lilienfield
Allen Morris
Patrick Natarelli

Also Present: Kevin J. Plunkett, Village Counsel
Florence Costello, Planning Board Clerk
Robert Citarell, Environmental Conservation Board
J&L Reporting Service, for Westwood Development Associates
Members of the Public.

IPB Matters

Considered:

- 94-03 -- Westwood Development Associates**
Sht.10,P25J2,25K2;Sht.10C,B1.226,Lots 25A,26A
- 98-43 -- Stanley Rubenzahl**
Sht. 10, P-77, Part of P-21F
- 98-12 -- Boran Construction**
Sht. 5, Bl. 212 Lot 4&5
- 98-28 -- Spectrum Irvington (Amendment) - Lot #47**
Sht. 12B, Lot #47
- 98-44 -- Ciccio & Chernick**
Sht. 10C, Bl. 226, Lot 25
- 98-49 -- Spectrum Irvington (Amendment) - Lot #5**
Sht. 12B, Lot #5
- 99-01 -- Miji Inaba**
Sht. 10F, Bl. 253, Lot 1
- 99-02 -- Hudson House Tenants Corp.**
Sht. 1, Bl. 222, Lot 1
- 99-03 -- Kenneth & Harriet Kelly**
Sht. 7B, Bl. 238, Lot 3
- 99-04 -- Marriott International**
Sht. 7, P-39
- 99-05 -- Spectrum Irvington (Amendment)**
Sht. 12B, Lot 5

The Chairman called the meeting to order at 8:00 p.m.

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees.

IPB Matter #98-12:

Application of Boran Construction Corp., for Site Development Plan Approval for property at 76 Main Street.

Application adjourned at request of Applicant's Architect.

IPB Matter #98-44:

Application of Joseph & Denise Ciccio and Mitchell & Sheer Chernick for subdivision of property at Riverview Road.

Application adjourned to February 1999 meeting at request of Applicants' Attorney.

IPB Matter #99-01:

Application of Miji Inaba for Final Site Development Plan Approval for property at Fieldpoint Drive.

Mr. John Hughes appeared for the Applicant. Applicant paid the required application fee and furnished evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of a single family residence with a two and one-half car garage to be constructed on Lot #1 of the previously approved Goodkind Subdivision and Limited Site Plan, IPB Matter #96-13.

There were no comments from the public. Mr. Mastromonaco's memo dated January 6, 1999, noted concerns regarding water and sewer utilities, and the Board requested a topographic drawing for comparison with the original subdivision plan. The application was carried over to the February meeting.

IPB Matter #99-02:

Agenda Entry Request from Hudson House Tenants Corp., for property at 100 Ardsley Avenue West.

Although appearing on the Agenda, there was no representation from Hudson House Tenants Corp.

IPB Matter #99-03:

**Application of Kenneth & Harriet Kelly for
Waiver of Site Development Plan Approval for
property at 3 Ardsley Terrace.**

Christina Griffin, Architect, appeared personally for the Application. Applicant paid the required application fee and furnished evidence of mailing of the required Notice to Affected Property Owners. The proposed design calls for a second floor extension to provide a new sitting room. The new structure will be 12.0 x 19.0 feet and will be constructed above an existing one-story section of the house at the rear of the property. The increase will be a total of approximately 228 square feet of floor area on one floor, or approximately 1,824 cubic feet. There was a setback question as to whether the addition was non-conforming.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval, subject to Zoning Board of Appeals approval, and required drawings be amended to show site lines. There were no comments from the public.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application subject to approval by the Zoning Board of Appeals of any variance required in connection with this Application.

IPB Matter #98-43:

**Application of Stanley Rubenzahl for
Subdivision Approval for property at 76 North
Broadway.**

Norman Sheer, Esq., appeared for the Applicant for continuation of a public meeting carried from the January 6, 1998, Planning Board meeting. Mr. Stanley Rubenzahl, owner, seeks to subdivide the property into two lots. No new construction is proposed.

Mr. Mastromonaco's concerns, memo dated January 6, 1999, were mentioned. There were no comments from the public. Questions of separation of utilities and sewers were discussed. Map entitled Preliminary Plan, Subdivision of Property, Prepared for Stanley Rubenzahl, revised December 21, 1998, by Thomas C. Merritts, L.S., was approved, based on Mr. Sheer's advising that the Health Department had approved the separate water and sewer connections. Final subdivision approval will be discussed at the February 3, Planning Board meeting.

IPB Matter #98-49:

**Public Hearing on Application of Spectrum
Irvington Corp., for Amended Site Development
Plan Approval for Lot #5, Legend Hollow.**

Mr. Craig Studer appeared for the Applicant. This public hearing was carried over from the December 2, 1998 meeting at which the Board discussed building lot, expanded driveway, and original approval IPB Matter #94-13. Applicant submitted Site Plan #5, Legend Hollow, dated November 4, 1998, last revised December 16, 1998, (revised driveway and reduced limit of disturbance). There were no comments from the public or Mr. Mastromonaco. The Board closed the public hearing and took the following action. It approved the above referenced site plan.

IPB Matter #98-28:

**Public Hearing on Application of Spectrum
Irvington Corp., for Amended Site Development
Plan Approval for Lot #47, Legend Hollow.**

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The Chairman opened the public hearing. This Application was previously heard at the August 5, 1998 meeting.

There were no comments from the public. Discussion followed regarding the proposed elimination of a shared driveway as set up with the original subdivision approval. The Board noted a requirement for a legal deed description offering an access easement to Lot 46 with no access for Lot 47, showing who is responsible for maintenance., and if legal access is necessary to private road for Lot 47, a statement regarding sharing of maintenance of private road. The Board also noted the removal of trees, and suggested the planting of new trees. Mr. Mastromonaco's comment (memo dated January 5, 1999) regarding rerouting of drain to avoid a 16" oak tree was noted. The public hearing was carried over to the February 3, 1999, meeting.

IPB Matter #99-05:

**Public Hearing on Application of Spectrum
Irvington Corp., for Amended Site Development
Plan Approval for Lot #24, Legend Hollow.**

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The Chairman opened the public hearing. The currently approved site development plan for Lot #24 is being amended to add an inground swimming pool and related retaining walls. There were no comments from the public. Mr. Mastromonaco's comments, memo dated January 5, 1999, were discussed. Required fences were shown on plans and final approval is with the Building Inspector. The Board closed the public hearing and took the following action. It approved Site Plan (Lot #24) Legend Hollow, dated March 4, 1998, last revised January 6, 1999.

IPB Matter #98-52:

**Public Hearing on Application of Spectrum
Irvington Corp., for Revision to Site
Development Plan Approval for Lot #49, Legend
Hollow.**

Mr. Craig Studer presented a revised site plan for Lot #49. As discussed at the December 2, 1998 Planning Board meeting, the plan has been revised to show an enlarged No Disturbance Buffer adjacent to the future pool construction. A note describing the restrictions within the buffer area has also been provided on the plan. There were no comments from the public. After discussion the board approved Site Plan (Lot #49) Legend Hollow, dated November 4, 1998, last revised December 18, 1998.

IPB Matter #99-04:

**Application of Marriott International for an
amendment of the Zoning Ordinance for
property at 100 South Broadway.**

Messrs. Ronald F. Dee, Gerald Loehr, and R. Rosen appeared for the Application. The Chairman read aloud a letter from Ronald F. Dee, Senior Director of Marriott Senior Living Services, Inc., dated October 15, 1998, regarding a Petition to Amend the Irvington Zoning Code to allow construction of an assisted living facility at the site of the Murray-Griffin Estate on South Broadway. Representatives of Marriott International gave an overview of the proposed construction. Members of the public expressed concerns regarding traffic, problems with commercial zoning, duration of stay of the facility, would single family homes be more appropriate, and many comments were heard regarding sensitivity to a senior assisted living facility.

A Planning Board site walk of the property is proposed for January 30, 1999 at 11:00 a.m. Marriott will provide a list of towns where Marriott has assisted living facilities.

IPB Matter #94-03:

**Application of Westwood Development
Associates, Inc. for Limited Site Development
Plan Approval for property at Broadway,
Riverview Road and Mountain Road.**

Messrs. Padraic Steinschneider and Charles Pateman appeared for the Applicant for a continued discussion regarding the Westwood DEIS. Much correspondence was read into the Minutes, including a letter from Donald P. Marra, Assistant Superintendent for Business and Facilities Management for Irvington Public School dated December 28, 1998 advising of a referendum on Link Road. Public comments: parking, drainage, Marshall's pond, etc. The Board closed the public hearing and extended the written comment period on the DEIS to the close of business on February 2, 1999.

A complete transcript of the proceeding relating to this matter was prepared and is incorporated herein by reference.

The Board then considered the following administrative matters:

- Minutes of the Planning Board held on December 2, 1998, previously distributed, were, on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for February 3, 1999.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Allen Morris, Secretary